



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0164

Introduced 1/11/2005, by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

105 ILCS 5/21-1	from Ch. 122, par. 21-1
105 ILCS 5/24-4.1	from Ch. 122, par. 24-4.1
105 ILCS 5/34-83.1	from Ch. 122, par. 34-83.1
30 ILCS 805/8.29 new	

Amends the School Code. Provides that no one may teach in the public schools of this State who is not state-certified and highly qualified as defined in the federal No Child Left Behind Act of 2001. Provides that residency within a school district must be considered in determining the employment and compensation of a teacher and whether to retain, promote, assign, or transfer that teacher (now, there is a general prohibition). Amends the State Mandates Act to require implementation without reimbursement. Effective August 15, 2005.

LRB094 03609 NHT 33613 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT regarding education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 21-1, 24-4.1, and 34-83.1 as follows:

6 (105 ILCS 5/21-1) (from Ch. 122, par. 21-1)

7 Sec. 21-1. Qualification of teachers. No one may teach in
8 the public schools of this State who is not state-certified and
9 highly qualified as defined in the federal No Child Left Behind
10 Act of 2001.

11 No one may be certified to teach or supervise in the
12 public schools of this State who is not of good character, of
13 good health, a citizen of the United States or legally present
14 and authorized for employment, and at least 19 years of age. An
15 applicant for a certificate who is not a citizen of the United
16 States must sign and file with the State Board of Education a
17 letter of intent indicating that either (i) within 10 years
18 after the date that the letter is filed or (ii) at the earliest
19 opportunity after the person becomes eligible to apply for U.S.
20 citizenship, the person will apply for U.S. citizenship.

21 Citizenship is not required for the issuance of a temporary
22 part-time certificate to participants in approved training
23 programs for exchange students as described in Section 21-10.2.
24 A certificate issued under this plan shall expire on June 30
25 following the date of issue. One renewal for one year is
26 authorized if the holder remains as an official participant in
27 an approved exchange program.

28 In determining good character under this Section, any
29 felony conviction of the applicant may be taken into
30 consideration, but such a conviction shall not operate as a bar
31 to registration.

32 No person otherwise qualified shall be denied the right to

1 be certified, to receive training for the purpose of becoming a
2 teacher or to engage in practice teaching in any school because
3 of a physical disability including but not limited to visual
4 and hearing disabilities; nor shall any school district refuse
5 to employ a teacher on such grounds, provided that the person
6 is able to carry out the duties of the position for which he
7 applies.

8 No person may be granted or continue to hold a teaching
9 certificate who has knowingly altered or misrepresented his or
10 her teaching qualifications in order to acquire the
11 certificate. Any other certificate held by such person may be
12 suspended or revoked by the State Teacher Certification Board,
13 depending upon the severity of the alteration or
14 misrepresentation.

15 No one may teach or supervise in the public schools nor
16 receive for teaching or supervising any part of any public
17 school fund, who does not hold a certificate of qualification
18 granted by the State Board of Education or by the State Teacher
19 Certification Board and a regional superintendent of schools as
20 hereinafter provided, or by the board of education of a city
21 having a population exceeding 500,000 inhabitants except as
22 provided in Section 34-6 and in Section 10-22.34 or Section
23 10-22.34b. However, the provisions of this Article do not apply
24 to a member of the armed forces who is employed as a teacher of
25 subjects in the Reserve Officer's Training Corps of any school.
26 Sections 21-2 through 21-24 do not apply to cities having a
27 population exceeding 500,000 inhabitants, until July 1, 1988.

28 Notwithstanding any other provision of this Act, the board
29 of education of any school district may grant to a teacher of
30 the district a leave of absence with full pay for a period of
31 not more than one year to permit such teacher to teach in a
32 foreign state under the provisions of the Exchange Teacher
33 Program established under Public Law 584, 79th Congress, and
34 Public Law 402, 80th Congress, as amended. The school board
35 granting such leave of absence may employ with or without pay a
36 national of the foreign state wherein the teacher on leave of

1 absence will teach, if the national is qualified to teach in
2 that foreign state, and if that national will teach in a grade
3 level similar to the one which was taught in such foreign
4 state. The State Board of Education shall promulgate and
5 enforce such reasonable rules as may be necessary to effectuate
6 this paragraph.

7 (Source: P.A. 93-572, eff. 1-1-04.)

8 (105 ILCS 5/24-4.1) (from Ch. 122, par. 24-4.1)

9 Sec. 24-4.1. Residence requirements. ~~Residency within a~~
10 ~~any~~ school district must ~~shall not~~ be considered in determining
11 the employment and ~~or the~~ compensation of a teacher and ~~or~~
12 whether to retain, promote, assign, or transfer that teacher.

13 (Source: P.A. 82-381.)

14 (105 ILCS 5/34-83.1) (from Ch. 122, par. 34-83.1)

15 Sec. 34-83.1. Residence requirements. Residency within a
16 ~~any~~ school district governed by this Article must, ~~if not~~
17 ~~required at the time of employment as a qualification of~~
18 ~~employment, shall not~~ be considered in determining the
19 employment and the compensation of a teacher and ~~or~~ whether to
20 retain, promote, assign, or transfer that teacher.

21 (Source: P.A. 82-381.)

22 Section 90. The State Mandates Act is amended by adding
23 Section 8.29 as follows:

24 (30 ILCS 805/8.29 new)

25 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
26 of this Act, no reimbursement by the State is required for the
27 implementation of any mandate created by this amendatory Act of
28 the 94th General Assembly.

29 Section 99. Effective date. This Act takes effect August
30 15, 2005.